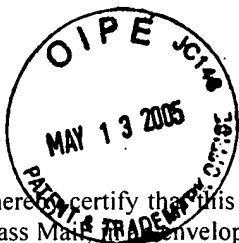


IFW



Atty Dkt 2089-001D1

**CERTIFICATE OF MAILING**

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Thomas Lizzi  
Thomas Lizzi

Date: May 11, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of: Liu et al	)	Date: May 11, 2005
	)	
Serial No.: <b>10/801,970</b>	)	Art Unit: 1742
	)	
Filed: March 16, 2004	)	Examiner: Ngoclan Thi Mai
	)	
For: <b>BLENDED POWDER SOLID- SUPERSOLIDUS LIQUID PHASE SINTERING</b>	)	
	)	

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PROVISIONAL ELECTION AND REMARKS**

This is in response to the Office Action mailed on April 22, 2005. Claims 7-64 are currently pending in the application. In the Office Action, the examiner stated that the claims were directed to different patentably distinct species of the claimed invention and required Applicants, under 35 U.S.C. 121, to elect "a single ultimate disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable."

The examiner identified two main species of claims: (a) a method of producing a green article (hereinafter "Group A"); and (b) a method of densifying a green article (hereinafter "Group B"). The examiner also imposed two additional election requirements. The first was to make a further election as to the type of processing from among four identified groups: (i) containerization; (ii) free-forming layer wise buildup technique; (iii) injection molding; and (iv) die pressing. The second was to make a still further election as to the heating temperature in the event that the Group B species was elected. This last election was to be made between two categories identified by the examiner: (b1) lower than the solidus temperature of each of the relatively coarse prealloyed metal powder; and (b2) exceeds the solidus temperature of each of the relatively coarse prealloyed metal powder.

The examiner also required Applicants to provide a listing of all claims readable on the elected species.

In accordance with 37 C.F.R. 1.143, Applicants provisionally elect, with transverse, the Group A species having the type of processing election of type (ii), i.e., free-forming layer wise buildup technique. Applicants believe the election embraces the following claims: 7, 9-11, 14-16, 18-20, 23-24, and 51-64.

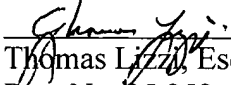
### **REMARKS**

Applicants respectfully traverse the aforementioned restriction requirements imposed by the examiner and request reconsideration under 37 C.F.R. 1.143. The examiner has not articulated a prima facie case for the restriction as required by MPEP 803. She has only made conclusory statements that "the claims are directed to the

following patentably distinct species of the claimed invention." Applicants therefore traverse the restriction requirement as being improperly imposed and request reconsideration and removal of the restriction requirement.

Applicants respectfully state their disagreement with the examiner's conclusion that none of the claims are generic with regard to any of the classifications the examiner has identified. Applicants respectfully maintain that, at the very least, the independent claims are, by their very status as independent claims, generic to at least the subclassifications as applied among their respective dependent claims.

Respectfully submitted,

  
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May 11, 2005